

## REMARKS

In accordance with the foregoing, claims 1, 7, 9, 10 and 21-24 have been amended, and dependent claims 6 and 8 have been cancelled. The amendments were based on the contents of the application (page 58, line 6 - page 62 line 11, and Fig. 16). No new matter is being presented, and approval and entry are respectfully requested.

Claims 1-24 are pending and under consideration. Reconsideration is respectfully requested.

## REJECTION UNDER 35 U.S.C. § 103:

In the Office Action, at pages 2-7, numbered paragraphs 2-12, claims 1, 3, 11-18 and 21-24 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Publication No. 2003/0235155 Boivie et al. in view of U.S. Patent Publication No. 2003/0131278 Fujibayashi.

In the Office Action, at pages 7-8, numbered paragraphs 13-14, dependent claim 2 was rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Publication No. 2003/0235155 Boivie et al. in view of U.S. Patent Publication No. 2003/0131278 Fujibayashi and further in view of U.S. Patent Publication No. 2004/0008691 Winter et al.

In the Office Action, at pages 8-12, numbered paragraphs 15-22, dependent claims 4-10 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Publication No. 2003/0235155 Boivie et al. in view of U.S. Patent Publication No. 2003/0131278 Fujibayashi and further in view of U.S. Patent No. 6,865,643 Baxter.

In the Office Action, at pages 13-14, numbered paragraphs 23-25, dependent claims 19 and 20 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Publication No. 2003/0235155 Boivie et al. in view of U.S. Patent Publication No. 2003/0131278 Fujibayashi and further in view of U.S. Patent No. 6,606,694 Carteau.

## CLAIMS 1-5, 7 and 9-24 PATENTABLY DISTINGUISH OVER THE PRIOR ART

Independent claims 1 and 21-24 are amended to recite, in part:

storing a replica of a first volume in the plurality of volumes in a storage unit not selected as the storage set; and

selecting a storage unit storing a replica of the volume from among the storage units not selected as the storage set based on the evaluation value.

(e.g. last four lines of claim 1). An embodiment for adding a new user is described on page 58, line 6 - page 62, line 11 of the specification and shown in Fig. 16. As described therein, amongst the nodes A-G, data sets are already configured for the nodes A, B, E and G in a way that it becomes most suitable for a user A who takes the node A as a local node. For such a situation, in a case when a new user E who takes the node E as a local node want to use the data which stored in the nodes A, B, E and G, the process for determining which node besides the nodes A, B, E and G will be a node on which the data stored on the nodes A, B, E and G is reproduced as described.

According to the process shown in Fig. 16, the route management unit of node E specifies used nodes and the existence nodes. Assume that the generated data set for the node E is the nodes A, D, E and G, since the existence data set is the nodes A, B, E and G, then the unused node will be the node D and the existence node will be the node B. Then, comparison between the specified unused node D and existence node B using evaluation values from the node E to these two nodes is performed with the following conditions.

- Hop numbers corresponding to unused node < Hop numbers corresponding to existence node
- Route evaluation value corresponding to unused node  $\times a$  ( $a > 1$ ) < Route evaluation value corresponding to existence node
- Storage evaluation value corresponding to unused node  $\times b$  ( $b > 1$ ) < Storage evaluation value corresponding to existence node.

When any one of the above conditions is satisfied, the data of the existence node is copied to the unused node.

According to the process of the route management unit of node E, in the case of generating the most suitable storage set for the new user E, all of data are not reproduced, and only a portion among data is reproduced for completion of the new user adding process.

Applicant submits that neither Boivie et al., Fujibayashi, Winter et al., Baxter nor Carteau whether considered alone, or in combination teach or suggest the features of independent claims 1 and 21-24, and that claims 1 and 21-24 patentably distinguishes over the prior art.

Claims 2-5, 7, 9-20 depend, directly or indirectly, from claim 1 and include all the features of that claim plus additional features which are not taught or suggested by the prior art. Therefore, it is submitted that claims 2-5, 7, 9-20 patentably distinguish over the prior art.

CONCLUSION:

In accordance with the foregoing, it is respectfully submitted that all outstanding objections and rejections have been over come and /or rendered moot. And further, that all pending claims patentable distinguish over the prior art. Thus, there being no further outstanding objections or rejections, the application is submitted as being in condition for allowance which action is earnestly solicited.

If the Examiner has any remaining issues to be addressed, it is believed that prosecution can be expedited and possibly concluded by the Examiner contacting the undersigned attorney for a telephone interview to discuss any such remaining issues.

If there are any underpayments or overpayments of fees associated with the filing of this Amendment, please charge and/or credit the same to our Deposit Account No. 19-3935.

Respectfully submitted,

STAAS & HALSEY LLP

Date: March 13, 2008

By: David E. Moore  
David E. Moore  
Registration No. 59,047

1201 New York Avenue, N.W., 7th Floor  
Washington, D.C. 20005  
Telephone: (202) 434-1500  
Facsimile: (202) 434-1501